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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,259	04/20/2004	Riccardo Lonati	38915/GM/pal	2398

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MODIANO & ASSOCIATI  
Via Meravigli, 16  
20123 MILANO,  
ITALY

EXAMINER
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UNELUS, ERNEST

ART UNIT	PAPER NUMBER
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2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/827,259

Applicant(s)

LONATI, RICCARDO

Examiner

Ernest Unelus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01/12/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

**RESPONSE TO AMENDMENT**

**Claim rejections based on prior art**

Applicant's arguments filed 01/12/2007 have been fully considered but they are not persuasive.

The applicant argues, base on the amendment, that, Fredriksson, the cited reference, does not discloses "having peripheral devices directly connected, by mean of a serial line, to the knitting machine".

The applicant's claim discloses "said peripheral devices occurring by communicating directly with the machine over a serial line".

Directly communicating and direct connection is different. 'Directly' communicating doesn't necessarily required a direct connection. The claim language can be read more broadly than the argument.

In col. 4, lines 27-39 and fig. 1, Fredriksson discloses the knitting machine (1) and the peripheral devices (feeders 5, 6, 7, and 8) connected together directly. Col. 4, lines 32-33 discloses "Each feeder has electrical connection parts 5a, 6a, 7a and 8a respectively, e.g. electromechanical parts". Fig. 1 also shows, the electromechanical parts, for example, 5a, to be inside the feeders. Col. 4, lines 33-36 also discloses "Each feeder is assigned a function control unit 9, 10, 11 and 12 respectively. In a preferred embodiment, each unit is physically located close to or on each feeder. Each unit comprises one or more first micro-computers or advanced digital circuits 13, 14 for serial interface control and serial bit flow processing". In other words, the units can be inside the feeders, which would lead to the feeders, with the units inside, having a direct connection with the machine.

The applicant also argues of the addresses being distinct. However, the claim language doesn't clearly illustrate the distinction of the addresses. The universal address is being interpreted as an address that's transmitted to the devices, as discloses in col. 5, lines 41-50; an identification number of each peripheral device is the identification numbers of the feeders, such as 5-8, and the increment logic address is the second identification code for a next sequence (see col. 17, lines 60-67). The examiner's interpretation of the addresses is further illustrated below in the rejection section.

#### **I. INFORMATION CONCERNING OATH/DECLARATION**

##### **Oath/Declaration**

1. The applicant's oath/declaration has been reviewed by the examiner and is found to conform to the requirements prescribed in 37 C.F.R. 1.63.

#### **II. ACKNOWLEDGEMENT OF REFERENCES CITED BY APPLICANT**

2. As required by M.P.E.P. 609(C), the applicant's submissions of the Information Disclosure Statement dated September 10, 2004 is acknowledged by the examiner and the cited references have been considered in the examination of the claims now pending. As required by M.P.E.P 609 C(2), a copy of the PTOL-1449 initialed and dated by the examiner is attached to the instant office action.

#### **III. REJECTIONS BASED ON PRIOR ART**

**Claim Rejections - 35 USC § 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredriksson (US pat. 5,246,039) in view of Davidson et al. (US pat. 5,428,748).

5. As per **claim 1**, Fredriksson discloses a method for numbering peripheral devices (**yarn feeders 5, 6, 7, and 8 of fig. 1**) mounted on a knitting machine (**knitting machine 1 in fig 1**), comprising the steps of: communicating, on the part of each peripheral device, a universal address belonging to said peripheral device and assigned uniquely during production (see col. 5, lines 41-50, which discloses communicating an address to all the yarn feeders. In regards to 'during production', the examiner is interpreting it as while the machine is producing; in other words, this address is not necessarily being assign to a device at manufacturing or at a manufacture); transmitting, on the part of said machine, to each peripheral device, an incremental logic address once reception of said universal addresses has ended (see col. 17, lines 60-67, which discloses "The system works with a start-up phase and an operation phase. The start-up of the system is started by each adjustment device reading off its identification code. The weaving machine transmits the desired identification code to each shaft adjustment device. The weaving machine then transmits a trigger signal and then adopts

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the desired starting position. Finally, the weaving machine transmits identification codes for the next sequence". Transmitting the first ID code is a first 'universal address' to all device, as also explain in col. 5, lines 41-50 as an address, and the second identification code, for the next sequence, is the 'incremental logic address'. The examiner reads the universal and the incremental logic address similarly because the claim language does not distinguish the two); associating, on the part of a user of the machine, an identification number of each peripheral device (the identification numbers of the feeders, such as 5-8) to be linked to said logic address (see col. 11, lines 54-67, which discloses an identification number of each peripheral device to be linked to each device respectively, which also apply for a next sequence identification code, as discloses in col. 17, lines 60-67 ); said automatic numbering of said peripheral devices occurring by communicating directly with the machine over a serial line (In col. 4, lines 27-39 and fig. 1, Fredriksson discloses the knitting machine (1) and the peripheral devices (feeders 5, 6, 7, and 8) connected together directly. Col. 4, lines 32-33 discloses "Each feeder has electrical connection parts 5a, 6a, 7a and 8a respectively, e.g. electromechanical parts". Fig. 1 also shows, the electromechanical parts, for example, 5a, to be inside the feeders. Col. 4, lines 33-36 also discloses "Each feeder is assigned a function control unit 9, 10, 11 and 12 respectively. In a preferred embodiment, each unit is physically located close to or on each feeder. Each unit comprises one or more first micro-computers or advanced digital circuits 13, 14 for serial interface control and serial bit flow processing". In other words, the units can be inside the feeders, which would lead to the feeders, with the units inside, having a direct communication with the machine).

Fredriksson fail to specifically disclose the universal address belonging to the peripheral device is assigned during production.

Davidson discloses the universal address belonging to the peripheral device is assigned during production, such as during manufacturing (see col. 5, lines 7-9).

Fredriksson (US pat. 5,246,039) and Davidson et al. (US pat. 5,428,748) are analogous art because they are from the same field of endeavor of serial communication between a computer and peripheral devices having addresses.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the arrangement for controlling and/or supervising, with the aid of a computerized system, a number of elements/functions forming part of a textile machine, yarn feed element as taught by Fredriksson and a method and apparatus for automatically configuring a peripheral device with a host computer so that a user is not required to identify and set an input/output address for the peripheral as taught by Davidson.

The motivation for doing so would have been because Davidson teaches that **[having the peripherals addresses pre-install during production save a user the time of entering them. see col. 1, lines 8-11. This is production in regards to during manufacturing]**.

Therefore, it would have been obvious to combine Davidson et al. (US pat. 5,428,748) with Fredriksson (US pat. 5,246,039) for the benefit of creating a method for numbering peripheral devices mounted on a knitting machine to obtain the invention as specified in claim 1

6. As per **claim 2**, the combination of Fredriksson with Davidson disclose the method according to claim 1 (see rejection to claim 1 above): "comprising the additional step of

verifying, by said machine, that said identification number assigned by the user to a peripheral device has not been already assigned to another peripheral device” [(with respect to this limitation, Davidson discloses “It is a basic requirement in such computer systems that no two peripheral devices may be assigned the same I/O address, because that would cause the operation of the two peripheral devices to interfere with each other”)  
(see col. 1, lines 45-49)]

7. As per claim 3, the combination of Fredriksson with Davidson disclose the method according to claim 1 (see rejection to claim 1 above): “comprising the additional step of assigning, by said user, together with said identification number, one or more elements of said machine to said peripheral device” [(with respect to this limitation, see Fredriksson, col. 11, lines 54-63)

8. As per claim 4, the combination of Fredriksson with Davidson disclose the method according to claim 1 (see rejection to claim 1 above): “wherein said peripheral device is a thread status sensor” [(with respect to this limitation, see Fredriksson, col. 18, lines 33-36).

9. As per claim 5, the combination of Fredriksson with Davidson disclose the method according to claim 1 (see rejection to claim 1 above): “wherein said peripheral device is a thread feeder” [(with respect to this limitation, see Fredriksson, col. 4, line 27).

10. As per claim 6, the combination of Fredriksson with Davidson disclose the method according to claim 1 (see rejection to claim 1 above): “wherein said peripheral device is any



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device that is present on the machine in more than one unit” [(with respect to this limitation, see Fredriksson, fig. 1).

#### **IV. RELEVANT ART CITED BY THE EXAMINER**

11. The following prior art made of record and not relied upon is cited to establish the level of skill in the applicant’s art and those arts considered reasonably pertinent to applicant’s disclosure. See MPEP 707.05(c).

12. The following reference teaches a method for numbering peripheral devices mounted on a knitting machine.

#### **U.S. PATENT NUMBER**

US 5,323,324

US 5,285,821

#### **V. CLOSING COMMENTS**

##### **Conclusion**

##### **a. STATUS OF CLAIMS IN THE APPLICATION**

13. The following is a summary of the treatment and status of all claims in the application as recommended by M.P.E.P. 707.07(i):

##### **a(1) CLAIMS REJECTED IN THE APPLICATION**

14. Per the instant office action, claims 1-6 have received a final action on the merits.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**b. DIRECTION OF FUTURE CORRESPONDENCES**

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernest Unelus whose telephone number is (571) 272-8596. The examiner can normally be reached on Monday to Friday 9:00 AM to 5:00 PM.

**IMPORTANT NOTE**

16. If attempts to reach the above noted Examiner by telephone is unsuccessful, the Examiner's supervisor, Mr. Donald Sparks, can be reached at the following telephone number: Area Code (571) 272-4201.

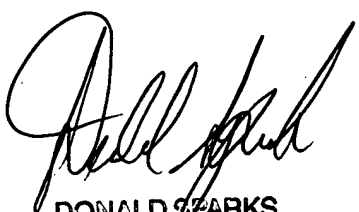
The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 05, 2007

Ernest Unelus  
Examiner  
Art Unit 2181



DONALD SPARKS  
SUPERVISORY PATENT EXAMINER